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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 11/06/2003

[Handwritten signature]

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/981,686

Applicant(s)

SHORT ET AL.

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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This is in response to application filed on October 17, 2001 in which claims 1-22 are presented for examination.

Status of Claims

Claims 1-22 are pending.

Drawings

The drawings are objected to because only that which is old is illustrated in Figures 2A-2F; 5A-5D; therefore, they should be designated by a legend such as --Prior Art--. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the appendix does not meet the requirements indicated below.

- (i) If the listing is submitted as part of the specification, it must be submitted in accordance with the provisions of § 1.52.
- (ii) Any listing having more than 60 lines of code that is submitted as part of the specification must be positioned at the end of the description but before the claims. Any amendment must be made by way of submission of a substitute sheet.

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(c) As an appendix which will not be printed : Any computer program listing may, and any computer program listing having over 300 lines (up to 72 characters per line) must, be submitted on a compact disc in compliance with § 1.52(e). A compact disc containing such a computer program listing is to be referred to as a "computer program listing appendix." The "computer program listing appendix" will not be part of the printed patent. The specification must include a reference to the "computer program listing appendix" at the location indicated in § 1.77(b)(4).

(1) Multiple computer program listings for a single application may be placed on a single compact disc. Multiple compact discs may be submitted for a single application if necessary. A separate compact disc is required for each application containing a computer program listing that must be submitted on a "computer program listing appendix."

(2) The "computer program listing appendix" must be submitted on a compact disc that complies with § 1.52(e) and the following specifications (no other format shall be allowed):

(i) Computer Compatibility: IBM PC/XT/AT, or compatibles, or Apple Macintosh;

(ii) Operating System Compatibility: MS-DOS, MS-Windows, Unix, or Macintosh;

(iii) Line Terminator: ASCII Carriage Return plus ASCII Line Feed;

(iv) Control Codes: the data must not be dependent on control characters

or codes which are not defined in the ASCII character set; and

(v) Compression: uncompressed data.

[46 FR 2612, Jan. 12, 1981; para. (b)(1), 54 FR 47519, Nov. 15, 1989, effective Jan. 16, 1990; revised, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996; paras. (b) and (c) revised, 65 FR 54604, Sept. 8, 2000, effective Sept. 8, 2000 (effective date corrected, 65 FR 78958, Dec. 18, 2000)]

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 16 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Queree Business Integration of Fleet Management Systems, Vehicle Location and Fleet Management Systems, IEE Colloquium, 1993, pages 10/1-10/3.

As per claims 1, 4, 16 and 19, Christopher Queree teaches the aspect of integration of fleet management system onto legacy systems and has stated that the benefits of fleet management integration include mobile asset monitoring control, better communication with customers, real-time scheduling, and optimal vehicle navigation (See Queree page 10/2).

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Prabhakaran. The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Prabhakaran discloses "a method for integrating a fleet management onto legacy systems" by providing a method and apparatus for fleet management integrated in existing computer systems. In particular, Prabhakaran discloses the claimed limitations of "providing a fleet management system on a first

platform" by providing a fleet tracking system on a UNIX platform (See Prabhakaran Figure 2; Col. 5, line 13-Col. 6, line 12). Also, Prabhakaran discloses the claimed feature of "providing a legacy system on a second platform" as a mobile information center (See Prabhakaran Figure 5; Col. 12, lines 25-50). Further, Prabhakaran discloses the claimed limitations of "providing a database" (See Prabhakaran Figure 2, components 614, 622, 638, 650). Last, Prabhakaran discloses the claimed limitations of "integrating the fleet management system comprising raster data" (Figure 2, component 650) "and vector data" (Figure 2, component 638) to said legacy system (Management Information Center) "using said database" (Figure 2, components 614, 622, 638, 650) "and a host gateway" (Prabhakaran Figure 5, component 1507; Col. 13, lines 1-10), "said raster data and said vector data being used to display a digital map" (See Prabhakaran Figure 1).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Prabhakaran discloses the claimed limitations of "wherein said host gateway comprises an MIS gateway" (See Prabhakaran Figure 5, component 1507; Col. 13, lines 1-10).

As per claim 3, most of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Prabhakaran discloses "a TCP/IP interface

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between said fleet management system and said legacy system" as TCP/IP (See Prabhakaran Col. 4, line 10-11).

As per claim 4, Prabhakaran discloses "a system for fleet management" by providing a method and apparatus for fleet management. In particular, Prabhakaran discloses the claimed limitations of "a legacy system" as a mobile information center (See Prabhakaran Figure 5; Col. 12, lines 25-50). Also, Prabhakaran discloses "a fleet management system comprising raster data" (Figure 2, component 650) "and vector data" (Figure 2, component 638) to display a digital map (See Prabhakaran Figure 1). Further, Prabhakaran discloses the claimed limitations of "a database" (See Prabhakaran Figure 2, components 614, 622, 638, 650). Last, Prabhakaran discloses "a gateway coupling said legacy system to said database and said fleet management system" (Prabhakaran Figure 5, component 1507; Col. 13, lines 1-10).

As per claim 5, most of the limitations of this claim have been noted in the rejection of claim 4. Applicant's attention is directed to the rejection of claim 4 above. In addition, Prabhakaran discloses the claimed limitations of "wherein said host gateway comprises an MIS gateway" (See Prabhakaran Figure 5, component 1507; Col. 13, lines 1-10).

As per claim 6, most of the limitations of this claim have been noted in the rejection of claim 4 above. In addition, Prabhakaran discloses "a TCP/IP interface

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between said fleet management system and said legacy system" as TCP/IP (See Prabhakaran Col. 4, line 10-11).

As per claims 16-21, all the limitations of these claims have been noted in the rejection of claims 1-6. They are therefore rejected as set forth above.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al. U.S. Patent no. 5,627,517.

As per claim 7, Theimer et al. disclose "a method for tracking at least one of a plurality of products" by providing a decentralized package-tracking and routing system (See Theimer et al. Col. 1, lines 5-10). In particular, Theimer et al. disclose the claimed feature of "receiving arrival information about at least one of a plurality of vehicles

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transporting said at least one of a plurality of products at a distribution point” by providing a transceiver that transmits an activity signal in response to arrival of a package at a distribution point (See Theimer et al. Col. 3, lines 3-12). Also, Theimer et al. disclose the claimed feature of “receiving unloading information about said at least one of a plurality of products” (See Theimer et al. Col. 3, line 65-Col. 4, line 7). Further, Theimer et al. disclose receiving storage information about at least one of a plurality of products and incorporating said arrival information, unloading information and storage information into a database” by providing a memory in the transceiver for each package for storing information (See Theimer et al. Col. 8, lines 1-58).

As per claim 8, most of the limitations of this claim have been noted in the rejection of claim 7 above. In addition, Theimer et al. disclose “receiving loading information about said at least one of a plurality products being loaded onto said at least one of a plurality of vehicles transporting said at least one of a plurality of products of said distribution point” as a transceiver that receives information that a package is being loaded into an airplane or truck (See Theimer et al. Col. 8, lines 28-43).

As per claim 9-13, Theimer et al. disclose the claimed features of “receiving departure information” as an input point 12 (See Col. 3, lines 23-25); “unloading information is received “ and unloading information is received form a dock management system”; storage information is received from a warehouse management

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system; routing information comprises a fleet management system (Figure 3; Col. 4, lines 20-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. U.S. Patent no. 5,627,517 in view of Wilz, Sr. et al. U.S. Patent no. 6,394,354.

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As per claims 14-15 and 22, most of the limitations of these claims have been noted in the rejection of claim 7. Applicant's attention is directed to the rejection of claim 7 above.

It is noted, however, Theimer et al. did not specifically detail the aspect of "arrival information are received by a host gateway; and wherein said host gateway receives said arrival information, loading information and storage information through TCP/IP socket" as recited in the instant claims 14-15. On the other hand, Wilz, Sr. et al. disclose an Internet-based system for routing, tracking and delivering packages (See Wilz, Sr. et al. Abstract) including a gateway and TCP/IP sockets (See Wilz, Sr. et al. Figure 1 and corresponding text).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Theimer et al. and Wilz, Sr. et al. because they are both directed to systems for tracking and routing of packages and are both from the same field of endeavor. Also, because such combination would permit tracking and routing of packages to be achieved over the Internet.

As per claim 22, all the limitations of this claim have been noted in the rejection of claims 14-15. It is therefore rejected as set forth above.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Monday - Friday from 10:30AM-10:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308 1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.


Frantz Coby
Primary Examiner
Art Unit 2171

October 25, 2003